

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, )  
09 Plaintiff, ) CASE NO. CR04-221-TSZ  
10 v. )  
11 LOWELL GLENN PROFIT, ) SUMMARY REPORT OF U.S.  
12 Defendant. ) MAGISTRATE JUDGE AS TO  
 ) ALLEGED VIOLATIONS  
 ) OF SUPERVISED RELEASE  
 )

14 An evidentiary hearing on supervised release revocation in this case was scheduled  
15 before me on April 11, 2011. The United States was represented by AUSA Lisca Borichewski  
16 and the defendant by James Newton. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about July 8, 2005 by the Honorable Thomas S.  
18 Zilly on a charge of Transmission of Child Pornography, and sentenced to 7 years custody, 10  
19 years supervised release.

20 The conditions of supervised release included the standard conditions plus the  
21 requirements that defendant cooperate in the collection of DNA, be prohibited from possessing  
22 a firearm, submit to mandatory drug testing, abstain from alcohol, submit to search, participate

SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS  
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE

01 in mental health/sexual offender treatment, have no unsupervised contact with minors,  
02 participate in a specialized sexual offender treatment program with testing, make reasonable  
03 progress in all treatment sessions, follow lifestyle restrictions as specified, have no contact with  
04 any electronic device which connects with the internet unless allowed by his probation officer,  
05 allow his probation officer to inspect any personal computer, notify his probation officer of all  
06 software owned or acquired, cooperate with ongoing computer monitoring, and be restricted  
07 from employment which may required him to work with minors unless preapproved by his  
08 probation officer. (Dkt. 70.)

09       On July 12, 2010, defendant admitted violating the conditions of supervised release by  
10 failing to follow the instructions of his probation officer, failing to truthfully answer inquiries  
11 from his probation officer, and failing to register as a sex offender. (Dkt. 103.) Defendant was  
12 sentenced to four months in custody, 9 years and 8 months supervised release. (Dkt. 108.)  
13 Some of the conditions of supervised release were expanded and/or clarified, including the  
14 requirement that defendant participate in home confinement with electronic monitoring for up  
15 to 120 days, obtain pre-approval for his residence, and have no contact with victims associated  
16 with his prior sex offense convictions. (*Id.*, at 5, Dkt. 109.)

17       In an application dated March 8, 2012 (Dkt. 110, 111), U.S. Probation Officer Steven R.  
18 Gregoryk alleged the following violation of the conditions of supervised release:

19       1.       Possession of sexually explicit materials as defined in 18 U.S.C. § 2256(2), in  
20 violation of the special condition.

21       Defendant was advised in full as to the charge and as to his constitutional rights.

22       Defendant admitted the violation and waived any evidentiary hearing as to whether it

01 occurred. (Dkt. 119.)

02 I therefore recommend the Court find defendant violated his supervised release as  
03 alleged, and that the Court conduct a hearing limited to the issue of disposition. The next  
04 hearing will be set before Judge Zilly.

05 Pending a final determination by the Court, defendant has been detained.

06 DATED this 11th day of April, 2011.

07  
08   
09 Mary Alice Theiler  
10 United States Magistrate Judge  
11

12 cc: District Judge: Honorable Thomas S. Zilly  
13 AUSA: Lisca Borichewski  
14 Defendant's attorney: James Newton  
15 Probation officer: Steven R. Gregoryk  
16  
17  
18  
19  
20  
21  
22

SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS  
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE

PAGE -3